THE HON'BLE MR JUSTICE K.C. BHANU

Writ Petition No.19010 of 2005

Between:

1.Smt.Madugula Gowri and others.

..... PETITIONERS

AND

1.A.P.State Housing Corporation Ltd., rep. By its District Collector, Executive Director, Srikakulam and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE K.C. BHANU

Writ Petition No.19010 of 2005

ORDER:

The writ petition is filed challenging the proceedings of the second respondent dated 31.07.2005.

The petitioners claim that they belong to weaker section and as such, they are eligible for allotment of Government Houses under Weaker Section Housing Scheme. The Mandal Revenue Officer, G.Sigadam after conducting an enquiry with reference to the petitioners' financial capacity and eligibility for being considered under the Scheme, identified the petitioners as beneficiaries; and accordingly allotted houses and also granted money and material. The petitioners alleged to have spent money for construction of houses upto basement level. However, the respondents, without conducting any enquiry and without following due process of law, are taking steps for recovery of the amount and the material sanctioned to the petitioners, on the ground that they are ineligible under the Scheme. Hence, the present writ petition.

The learned counsel for the petitioners contended that without conducting any enquiry and without following due process of law, the impugned proceedings have been passed and hence, the impugned proceedings are liable to be set aside.

As can be seen from the impugned proceedings dated 31.07.2005 issued by the second respondent, it is clear that it is only the consequential order in pursuance of the orders passed by the District Collector, Srikakulam in Order No.2139/C/H.S., dated 21.07.2005. However, the main order has not been challenged by the petitioner. The learned counsel for the petitioners contended that the

petitioners have not received the main order of the District Collector dated 21.07.2005, but there is no such allegation in the affidavit. In the absence of the same, the petitioners cannot challenge the consequential order.

Accordingly, the writ petition is dismissed. No costs.

29.08.2005

VGB